

Claims 1-4 and 13-17 stand rejected under 35 U.S.C. § 112, second paragraph as being indefinite. Applicant submits that the above amendments to the claims correct these specific deficiencies cited by the Examiner. Accordingly, applicant respectfully requests that the above rejection of these claims be withdrawn.

Claims 5, 6, 8, 10, 18-19, 21 and 23 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,282,204 to Shpancer et al. ("Shpancer"). Applicant respectfully submits that this rejection has been obviated for the reasons presented below.

Independent claims 5 and 18 have been replaced by new independent claims 26 and 27, respectively. Therefore, this rejection is discussed below with respect to new claims 26 and 27.

New independent claim 26 pertains to a method of communicating between a subscriber unit and a local base station repeater cell. The communication path between these elements is altered depending on whether the subscriber unit is receiving a signal from the local base station repeater cell. Applicant respectfully submits that the cited references do not teach or suggest a such a method of communicating between two a subscriber unit and a local base station repeater cell in a communication network. Thus, new independent claim 26 is not anticipated or rendered obvious by

the cited references. In addition, claim 10 is also not rendered obvious due to its dependency from new claim 26.

New independent claim 27 pertains to a method of communicating between a subscriber unit and a network hub switching center. Similar to claim 26, different communication paths between the subscriber unit and the network hub switching center are used depending on whether the subscriber unit is receiving a signal from a local base station repeater cell. If no signal is received, for example, the communication between the network hub switching center and the subscriber unit is accomplished via a modem. Applicant respectfully submits that the cited references do not teach or suggest a method of communicating between elements in this manner. Accordingly, applicant respectfully submits that new claim 27 is not anticipated or rendered obvious by the cited reference. In addition, claims 21 and 23 are also not rendered obvious due to their dependency from new claim 27.

For the reasons presented above, applicant respectfully submits that claims 8, 10, 21, and 23 are not anticipated or rendered obvious by the cited references. Claims 5, 6, 18 and 19 have been cancelled thereby rendering their rejection moot. Accordingly, applicant respectfully requests that the above rejection of the claims be withdrawn.

Claims 7, 9, 11, 12, 20, 22, 23 and 25 stand rejected under 35 U.S.C. § 103 as being unpatentable over Shpancer. Applicant respectfully submits that this rejection

DINKINS -- Appln. No. 08/348,618

has been obviated for the reasons presented above with respect to new claims 26 and 27 from which claims 7, 9, 11, 12, 20, 22, 23 and 25 depend. Accordingly, applicant respectfully requests that the above rejection of these claims be withdrawn.

It is respectfully submitted that the present application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,

CUSHMAN DARBY & CUSHMAN, L.L.P.

By Michael W. Haas

Michael W. Haas

Reg. No. 35,174

Tel. No.: (202) 861-3718

Fax No.: (202) 822-0944

GPE/MWH

1100 New York Avenue, N.W.
Ninth Floor
Washington, D.C. 20005-3918
(202) 861-3000